

*E-Filed 1/23/12 *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MALICO INC.,

No. C 11-04537 RS

Plaintiff,

**CASE MANAGEMENT
SCHEDULING ORDER**

v.

COOLER MASTER USA INC., et al.,

Defendants.

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was held on January 19, 2012. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

SETTLEMENT CONFERENCE. This matter is referred to a magistrate judge for the purpose of completing a settlement conference within 90 days of the issuance of this order depending upon the schedule of the assigned Magistrate Judge. The parties shall promptly notify the Court whether the case is resolved at the conference.

2. DISCOVERY. On or before December 10, 2012, all non-expert discovery shall be completed by the parties. Discovery shall be limited as follows: (a) ten (10) non-expert depositions per party; (b) twenty-five (25) interrogatories per party, including all discrete

subparts; (c) a reasonable number of requests for production of documents or for inspection per party; and (d) a reasonable number of requests for admission per party.

3. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall proceed as follows:

A. On or before February 4, 2013, plaintiff shall disclose expert testimony reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

B. On or before March 4, 2013, defendants shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

C. On or before May 6, 2013, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

4. CLAIM CONSTRUCTION SCHEDULING.

A. Defendants' invalidity contentions shall be due no later than **March 23, 2012**.

B. The parties shall exchange proposed terms for construction no later than **April 2, 2012** in accordance with Patent L.R. 4-1(b).

C. The parties shall exchange preliminary claim constructions and extrinsic evidence no later than **April 23, 2012**.

D. The parties shall file their joint claim construction and prehearing statement no later than **May 18, 2012**.

E. Claim construction discovery shall be completed no later than **June 18, 2012**.

F. Plaintiff shall file its opening claim construction brief no later than **July 2, 2012**.

G. Defendants shall file their responsive claim construction briefs with support no later than **July 16, 2012**.

H. Plaintiff shall file its claim construction reply brief no later than **July 23, 2012**.

I. A Claim Construction Hearing shall take place in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco, California on **August 6, 2012 at 10:00 a.m.**

5. FURTHER CASE MANAGEMENT CONFERENCE. A Further Case Management Conference shall be held on **January 10, 2013 at 10:00 a.m.** in Courtroom 3, 17th

1 Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California. The
2 parties shall file a Joint Case Management Statement at least one week prior to the Conference.

3 6. PRETRIAL MOTIONS. All pretrial motions must be filed and served pursuant to
4 Civil Local Rule 7. All pretrial motions shall be heard no later than July 12, 2013.

5 7. PRETRIAL STATEMENTS. At a time convenient to both, counsel shall meet and
6 confer to discuss preparation of a joint pretrial statement, and on or before September 19, 2013,
7 counsel shall file a Joint Pretrial Statement.

8 6. PRETRIAL CONFERENCE. The final pretrial conference will be held on
9 **October 3, 2013 at 10:00 a.m.**, in Courtroom 3, 17th Floor, United States Courthouse, 450
10 Golden Gate Avenue, San Francisco, California. Each party or lead counsel who will try the case
11 shall attend personally.

12 7. TRIAL DATE. Trial shall commence on **October 15, 2013 at 9:00 a.m.**, in
13 Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,
14 California.

15
16 IT IS SO ORDERED.

17 Dated: 1/23/12



18 RICHARD SEEBORG
19 UNITED STATES DISTRICT JUDGE